

Serial No.: 10/659,464
Reply to Office communication of September 15, 2006

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REMARKS

Applicant respectfully requests entry of this Amendment and reconsideration of the pending claims. Claims 2-21 and 23 are currently pending.

With regard to claim 13, and the claims that depend therefrom, it appears that the claim was rejected under 35 USC § 103 as being unpatentable over Suzuki et al in view of Mikami et al. In particular, the Office Action posits that the disclosed trifluoroethyl methacrylate obviates the claimed tetrafluoropropyl methacrylate. Applicant disagrees that chemical compositions are interchangeable in the manner suggested in the Office Action. Even if such compositions are interchangeable as being both members of a genus, the Office Action is obligated to indicate some reasoning or cite some reference to support such a proposition – none has been provided to date – to establish equivalence in support of the “all elements” prong for a *prima facie* case of obviousness. Suzuki et al selected and disclosed the particular fluororesin, and that was different from the claimed material. Applicant can cite any number of chemical and physical property differences between the two materials, but is unsure what is the reasoning for the assertion that they are supposedly interchangeable or what would motivate such a modification of the material actually disclosed in the cited art. If such clarification is provided, Applicant can respond with more specificity. At this time, Applicant can only state that a *prima facie* case of obviousness has not been made.

Further, as claim 13 includes “methyl methacrylate, tetrafluoropropyl methacrylate, and an epoxy monomer” and the Office Action only indicates the epoxy monomer and the alleged substitute for “tetrafluoropropyl methacrylate” are disclosed in the cited references, a *prima facie* case of obviousness has yet to be set forth. Not all of the claim elements are set forth in the Office Action.

Of note is claims 22 and 23 are patentable for at least those reasons given above with regard to claim 13. And, claim 22 is cancelled and the subject matter is incorporated into claim 19. Thus, claim 19 is allowable for those reasons. The rejection to claim 19 is unclear, as claim 19 has been allowable up until the instant Office Action. In that, a splitter from Hirose et al is combined with the art of record.

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Applicant submits that all of the pending claims are allowable, and respectfully requests notice to that effect. Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number below. Any additional fees for the accompanying response are hereby petitioned for, and the Director is authorized to charge such fees as may be required to Deposit Account 07-0868.

Respectfully submitted,



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